

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION (PORT HURON)**

MICHAEL NOGLE,

Plaintiff,

v.

CASE NO: 16-CV-12607-DT

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

This matter is before the court on the parties cross motions for summary judgment. The case was referred to United States Magistrate Judge David R. Grand pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. The magistrate judge issued his report on May 26, 2017 recommending that this court GRANT the Commissioner's Motion for Summary Judgment [Dkt #17], DENY Plaintiff's Motion for Summary Judgment [Dkt #14] and AFFIRM the Administrative Law Judge's decision. No objections have been filed pursuant to 28 U.S.C. §636(b)(1)(C), thus further appeal rights are waived.¹

Having reviewed the file and the Report, the court concludes that the findings and conclusions of the Magistrate Judge are correct and ADOPTS the same for purposes of this Order.

¹The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

ORDER

IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, the Plaintiff's Motion for Summary Judgment [Dkt #14] is **DENIED**, Defendant's Motion for Summary Judgment [Dkt #17] is **GRANTED** and the decision of the Administrative Law Judge is **AFFIRMED..**

IT IS SO ORDERED.

S/Robert H. Cleland

ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: June 29, 2017

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, June 29, 2017, by electronic and/or ordinary mail.

S/Lisa Wagner

Case Manager and Deputy Clerk
(810-292-6522)